

HOUSE BILL 1601

By Sanderson

AN ACT to amend Tennessee Code Annotated, Title 43,
relative to establishing corn promotion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-29-103, is amended by deleting subdivision (3) and substituting the following:

(3) "Commodity" means beef, corn, pork, and eggs, produced on a commercial basis;

SECTION 2. Tennessee Code Annotated, Section 43-29-105, is amended by deleting the language "beef, pork and eggs" and substituting the language "beef, corn, pork, and eggs".

SECTION 3. Tennessee Code Annotated, Section 43-29-106, is amended by deleting the section and substituting the following:

(a) Any qualified producer organization of beef, pork, and eggs may make application to the commissioner requesting a referendum of beef, pork, or egg producers, on forms prescribed by the commissioner, for the purpose of determining whether an assessment of a specified amount can be levied, collected, and disbursed under this chapter, or whether a prior assessment should be amended or terminated. The application shall state the amount of the assessment that is to be proposed in the referendum and a brief statement of the purposes for which the funds collected are proposed to be spent.

(b) Any qualified producer organization of corn may make application to the commissioner requesting a referendum of corn producers, on forms prescribed by the commissioner, for the purpose of determining whether an assessment of one cent (\$0.01) per bushel of corn sold can be levied, collected, and disbursed under this

chapter, or whether a prior assessment should be terminated. The application shall briefly state the purposes for which the funds collected are proposed to be spent.

SECTION 4. Tennessee Code Annotated, Section 43-29-108, is amended by deleting subsection (b) and substituting the following:

(b) Each person seeking to vote in the referendum shall be required to file an affidavit stating that such person is a producer. Upon signing an affidavit, such person shall be eligible to vote.

(1) The question to be decided at the first referendum for an assessment on beef, pork, or eggs shall be in the following form:

Shall the producers of _____
assess themselves at the rate of _____
cents per _____ of
_____ sold, and use the funds
so collected by the department of agriculture and paid over to the
Tennessee _____ promotion
board to finance a program of research, education, market development,
marketing, advertising, and other methods designed to promote the
increased production, consumption, use, and sale of
_____ products?

(2) The question to be decided at the first referendum for an assessment on corn shall be in the following form:

Shall the producers of corn assess themselves at the rate of one
cent (\$0.01) per bushel of corn sold, and use the funds so collected by
the department of agriculture and paid over to the Tennessee corn
promotion board to finance a program of research, education, market
development, marketing, advertising, and other methods designed to
promote the increased production, consumption, use, and sale of corn
products?

(3) The affirmative vote of the majority of the number of votes cast shall adopt the proposed assessment.

SECTION 5. Tennessee Code Annotated, Title 43, Chapter 29, is amended by adding the following language as a new section:

(a) The Tennessee corn promotion board shall be composed of nine (9) members to be appointed by the commissioner to serve for terms of three (3) years, as provided in this section. All of the nine (9) members of the board shall be producers of corn in this state.

(b) Within ten (10) days following the effective date of an assessment on corn levied pursuant to this chapter, the Tennessee Farm Bureau Federation, the Tennessee Farmers Cooperative, and the Tennessee Corn Growers Association shall each submit the names of corn producers to the commissioner, and the commissioner shall appoint three (3) members from the nominees of each organization to serve on the board for rotating three-year terms.

(c) The original board shall be appointed with members from each of the organizations appointed as follows: one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years. Each year thereafter, not less than thirty (30) days prior to the expiration of board members' terms, each organization shall submit the names of three (3) nominees to the commissioner, and succeeding boards shall be appointed by the commissioner in the same manner, giving equal representation to each organization.

(d) Vacancies that occur shall be filled in the same manner as the original appointments were made. Persons who are appointed to the board shall serve no more than two (2) consecutive terms. The commissioner or a designee from the commissioner's staff shall serve as an advisor to the board.

(e) The members of the board shall meet and organize within thirty (30) days of their appointment, and shall elect a chair, vice chair, and secretary-treasurer from the membership of the board, each to serve for one-year terms, whose duties shall be those customarily exercised by such officers or specifically designated by the board.

(f) The board may establish rules for its own government and for the administration of the board's affairs.

(g) The initial chair of the board elected pursuant to subsection (e) shall notify the government operations committee of the senate and the government operations committee of the house of representatives of the board's existence within thirty (30) days of the date of the initial chair's election.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.